

EXHIBIT 191

Jacksonville, FL

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL) MDL NO. 1456

INDUSTRY AVERAGE WHOLESALE)

PRICE LITIGATION) CIVIL ACTION:

) 01-CV-12257-PBS

THIS DOCUMENT RELATES TO)

U.S. ex rel. Ven-A-Care of)

The Florida Keys, Inc. v. Abbott)

Laboratories, Inc., et al.)

No. 06-CV-11337-PBS)

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Videotaped Deposition of FIRST COAST SERVICE
OPTIONS, INC., by and through JEAN VEAL, taken on
behalf of Abbott Laboratories, Inc., on Tuesday,
March 25, 2008, at Smith, Gambrell & Russell, LLP,
50 North Laura Street, Suite 2600, Jacksonville,
Florida, before Karen F. Howard, Registered
Professional Reporter and Notary Public in and for
the State of Florida at Large.

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Jacksonville, FL

Page 50	Page 52
<p>1 and to form.</p> <p>2 MS. LORENZO: Hilary, can I ask you to</p> <p>3 speak a little louder, please?</p> <p>4 MS. RAMSEY: Sure.</p> <p>5 MS. LORENZO: Thanks so much.</p> <p>6 MR. LAVINE: You or me?</p> <p>7 MS. RAMSEY: I believe Ms. Lorenzo was</p> <p>8 asking if I could speak up.</p> <p>9 BY MS. RAMSEY:</p> <p>10 Q Would the same be true of the report that</p> <p>11 indicated the number of claims that providers</p> <p>12 submitted for reimbursement for these 11 J-Codes?</p> <p>13 MR. LAVINE: Object to form, and it's</p> <p>14 beyond the scope.</p> <p>15 A I mean, possibly. That's -- when I was</p> <p>16 referring to reports, I was talking about</p> <p>17 correspondence reports, like medical sort of things</p> <p>18 or different sort of reports, inquiries, customer</p> <p>19 service re-terminations -- re-determinations, but</p> <p>20 another department at First Coast does that sort of</p> <p>21 thing. I don't know how far back they can go.</p> <p>22 Q But there is a department --</p>	<p>1 A Okay.</p> <p>2 Q Is this how First Coast was directed to</p> <p>3 get the AWP when calculating payment for drugs, as</p> <p>4 published in the Red Book or similar price listings?</p> <p>5 MR. LAVINE: Object to the form.</p> <p>6 A I don't know if we were instructed to use</p> <p>7 Red Book, but I think -- I don't know when this was</p> <p>8 published. Looks like 1995. But, I mean, it does</p> <p>9 look like these were instructions. I mean, I don't</p> <p>10 recall ever seeing this, but it does look like that</p> <p>11 was the instructions.</p> <p>12 Q Did First Coast use the term "average</p> <p>13 wholesale price" synonymous with the prices which</p> <p>14 are listed in the Red Book?</p> <p>15 MR. LAVINE: Object to form.</p> <p>16 A Did we -- say that again, please.</p> <p>17 Q Did First Coast use the term "average</p> <p>18 wholesale price" synonymous with the prices which</p> <p>19 are referenced in the Red Book or other similar</p> <p>20 compendia?</p> <p>21 A I mean --</p> <p>22 MR. LAVINE: Object to form.</p>
Page 51	Page 53
<p>1 A Yes.</p> <p>2 Q -- within First Coast that could run that</p> <p>3 report?</p> <p>4 A Uh-huh, yes --</p> <p>5 MR. LAVINE: Object to form.</p> <p>6 A -- or possibly run it.</p> <p>7 Q Ms. Veal, I'm handing you what's</p> <p>8 previously been marked as Abbott Exhibit 38. If</p> <p>9 you'd look at the second page of this exhibit. Does</p> <p>10 this appear to be something out of the Medicare</p> <p>11 carrier manual, if you know?</p> <p>12 A I don't think so. I mean -- well, it says</p> <p>13 Medicare and Medicaid Guide on the first page. I</p> <p>14 don't know if that was what you -- is considered</p> <p>15 carrier's manual.</p> <p>16 Q On the second page, under the section</p> <p>17 marked "3421," the second paragraph starts with</p> <p>18 "Medicare pays for covered drugs at the lower of (1)</p> <p>19 the estimated acquisition cost of the drug or (2)</p> <p>20 the national average wholesale price of the drug (as</p> <p>21 published in the Red Book and similar price</p> <p>22 listings)."</p>	<p>1 A I mean, I imagine we used the term</p> <p>2 "average wholesale price," but I don't -- I mean --</p> <p>3 and I know there's average wholesale prices in the</p> <p>4 Red Book, but I think there's other prices in the</p> <p>5 Red Book too. I mean, I don't really understanding</p> <p>6 what you're asking.</p> <p>7 Q If you wanted to find an average wholesale</p> <p>8 price in your work at First Coast, you would go to</p> <p>9 the Red Book?</p> <p>10 A Yes.</p> <p>11 Q Is it your understanding that the law</p> <p>12 required First Coast to use the AWP's found in the</p> <p>13 Red Book?</p> <p>14 MR. LAVINE: Object to form.</p> <p>15 A No. I mean, we weren't required to use</p> <p>16 the Red Book.</p> <p>17 Q What else could you have used?</p> <p>18 A I think the -- like this says, you could</p> <p>19 use Red Book and similar price listings. I think</p> <p>20 some of the other change requests that came out said</p> <p>21 -- mentioned Blue Book.</p> <p>22 Q Medi-Span?</p>

14 (Pages 50 to 53)

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<p style="text-align: right;">Page 54</p> <p>1 A Medi-Span.</p> <p>2 Q But you always believed you needed to use</p> <p>3 one of the published compendia?</p> <p>4 A Yes.</p> <p>5 Q Did First Coast ever attempt to base</p> <p>6 reimbursement on estimated acquisition costs?</p> <p>7 A I think at one time there was a CR that</p> <p>8 came out that said -- I think it said to do that or</p> <p>9 to do a survey. I can't remember if it was just do</p> <p>10 the survey or to attempt to find out, I guess, the</p> <p>11 estimated acquisition cost. But it was stopped.</p> <p>12 Another CR came out after that that -- I think they</p> <p>13 stopped it because of the Paperwork Reduction Act.</p> <p>14 Q So First Coast never implemented seeking</p> <p>15 to base reimbursement on estimated acquisition costs</p> <p>16 because CMA --</p> <p>17 A I think we sent the letters out, and the</p> <p>18 -- I think the CR said to make it effective that</p> <p>19 next January, but another CR came out, I think, in</p> <p>20 November prior to that that said stop it, don't</p> <p>21 finish it.</p> <p>22 Q So the First Coast did as directed and</p>	<p style="text-align: right;">Page 56</p> <p>1 A Yes.</p> <p>2 Q This topic largely seeks testimony</p> <p>3 describing how the payment amount was calculated for</p> <p>4 the subject J-Codes from 1991 through 2001, correct?</p> <p>5 A Correct.</p> <p>6 MR. LAVINE: Object to form.</p> <p>7 BY MS. RAMSEY:</p> <p>8 Q And within the topic there's a term called</p> <p>9 "arrays," and I'd like to make sure we're on the</p> <p>10 same page with what this term means.</p> <p>11 What is your understanding of an array?</p> <p>12 A An array is where you would list the AWP's</p> <p>13 for that J-Code, and, you know, if it's just one</p> <p>14 source, you would just list one price, one</p> <p>15 allowance, or one AWP. If it's others --</p> <p>16 Q When you're talking about source, are you</p> <p>17 referring to the manufacturer?</p> <p>18 A Yes.</p> <p>19 Q Okay. I'm sorry to interrupt you.</p> <p>20 A If it was a drug with, you know, many,</p> <p>21 many manufacturers, you would list the array, and</p> <p>22 you'd list it from -- the AWP's from lowest to</p>
<p style="text-align: right;">Page 55</p> <p>1 stopped this effort?</p> <p>2 A Yes.</p> <p>3 Q Ms. Veal, I'm going to ask you to turn</p> <p>4 back to the first exhibit I handed you, which is</p> <p>5 Abbott Exhibit 713, which is the letter with the</p> <p>6 testimony topics. And if you could direct your</p> <p>7 attention to topic three. And I'll read for the</p> <p>8 record topic three:</p> <p>9 "During the entirety of the relevant claim</p> <p>10 period, the manner in which the entity calculated or</p> <p>11 determined the amount that the Medicare Part B</p> <p>12 program and/or any state Medicaid program paid</p> <p>13 providers for each claim that sought payment for the</p> <p>14 subject J-Codes, including: (a) how any applicable</p> <p>15 median AWP or lowest branded AWP was calculated; (b)</p> <p>16 an identification of all pricing arrays that were</p> <p>17 used to determine payment amounts and how those</p> <p>18 pricing arrays were used to determine payment</p> <p>19 amounts; and (c) the sources of pricing data that</p> <p>20 the entity used to establish the payment amount and</p> <p>21 why the entity used those sources of information."</p> <p>22 Did I read that correctly?</p>	<p style="text-align: right;">Page 57</p> <p>1 highest.</p> <p>2 Q Would the array typically contain the</p> <p>3 amount for which payment was set for that J-Code?</p> <p>4 A No. Well, it could, but it would list</p> <p>5 other amounts also.</p> <p>6 Q Such as what?</p> <p>7 A Well, if -- let's say if there were three</p> <p>8 -- three manufacturers, it would -- if you were</p> <p>9 trying to calculate a median, you would list the</p> <p>10 lowest, the highest, and the middle one would be the</p> <p>11 median. So that would -- for that particular J-</p> <p>12 Code, that would be the allowance, but the other two</p> <p>13 that are listed wouldn't end up being the allowance.</p> <p>14 Q On the array document do you typically</p> <p>15 indicate what the allowance is?</p> <p>16 A Maybe. I can't say that was always done.</p> <p>17 I mean, usually you'd circle it.</p> <p>18 Q And before 1998, specifically through 1991</p> <p>19 through 19 -- and part of 1997, the -- 100 percent</p> <p>20 of the median costs would be set for the</p> <p>21 reimbursement amount; is that correct?</p> <p>22 MR. LAVINE: Object to form.</p>

15 (Pages 54 to 57)

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